



US Army Corps  
of Engineers®

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

NUMBER: 296420N

DATE: 2 January 2006

RESPONSE REQUIRED BY: 2 February 2006

PERMIT MANAGER: David A. Ammerman

PHONE: 707-443-0855

Email: David.A.Ammerman@spd02.usace.army.mil

**1. INTRODUCTION:** The Humboldt County Resource Conservation District (RCD), 5630 South Broadway, Eureka, California 95502 (Contact: Mr. Curtis Ihle of the RCD, 707-444-9708, Extension 116), has applied for a U.S. Army Corps of Engineers (Corps) for a Department of the Army permit to discharge fill into waters of the United States in connection with implementation of the Salt River Channel Restoration Project, located on the Salt River and Francis Creek. The Salt River is a tributary to the Eel River, and the Salt River project is located about one mile north of the Ferndale city limits, in Humboldt County, California. The project elements include: (1) Excavate approximately 282,220 cubic yards (CY) of sediment from 2.5 miles (13,200 feet) of Salt River channel below Ordinary High Water and 2,000 feet of the Francis Creek channel below Ordinary High Water; (2) realign the Eastside drainage channel to reconnect with Francis Creek; (3) Create low flow channels and a 100 to 200 foot wide depositional floodplain along the remnant Salt River channel and Francis Creek; (4) remove approximately 25 acres of riparian vegetation in a 50-foot wide river corridor; and (5) dispose excavated material in a variety of locations in the Ferndale area. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

## 2. PROPOSED PROJECT:

**Project Site:** The project would start at a location on the Salt River north of downtown Ferndale and east of Arlynda Corners, near the Southeast quarter of Section 35, Township 2 North, Range 2 West on the Ferndale USGS Quadrangle. The project would proceed downstream parallel with Port Kenyon Road for a distance of approximately 2.5 miles along the banks of Salt River (2,000 feet along Francis Creek). The project would end near the SE quarter of Section 33 of the Ferndale USGS Quadrangle. Francis Creek and the Eastside Drainage are tributaries to the Salt River, which in turn, is a tributary to the Eel River. During the turn of the 20<sup>th</sup> Century, the Salt River was considered navigable up to the location of the Port Kenyon area. The Salt River historically drained a watershed of approximately 30,425 acres (48 miles squared). Due to a sediment-induced channel diversion, the Salt River Basin was split in two; currently the Salt River drains a watershed of approximately 17,540 acres (27 miles squared) (RCD, *Emergency Salt River Channel Restoration*, 8/15/05 draft document). The majority of stream condition problems in the Salt River Basin are related to an increase of sediment loading into watercourses from the upper watershed and a reduction of stream energy necessary to exhaust sediment from the system. A sediment plug has formed at river mile 7.5 and has diverted the flow of 42% of the Basin. The

diversion has eliminated and/or substantially reduced fish passage to the Salt River and its tributaries. Current in stream habitat conditions in the project reach of the main stem Salt River are not suitable for salmonids. The Salt River functions more as a freshwater marsh than as the estuarine slough it was forty years ago. Due to the lack of a defined channel and the intermittent flow within the project reach, fish surveys have not been conducted. Current vegetation composition within the project area of the Salt River corridor is described by RCD as a willow thicket with areas of open livestock pasture. Pasture vegetation was characterized by a National Environmental Policy Act (NEPA) Review and Documentation plant Survey, conducted by the U.S. Natural Resource Conservation Service (NRCS) in July 2004, of being composed of dandelion, vetch, bindweed, fennel, dock, ragwort, and plantain, associated with introduced perennial grassland species common on frequently worked agricultural fields in the Ferndale area. Francis Creek and the Salt River have been subject to periodic excavation by local landowners in an attempt to alleviate pasture flooding with side casting of excavated material onto adjacent livestock pasture. Elevations of the pasture and areas adjacent to the streams have seen gradual elevation gains due to side casting of excavated material as well as deposition of flood sediment from periodic natural flooding of tributaries and the Eel River.

**Project Description:** As shown in the attached drawings (See Sheets 1 of 17, 2 of 17, and 3 of 17), the applicant plans to excavate 282,220 CY of sediment from 2.5 miles of the Salt River Channel and along 2,000 feet of Francis Creek. A 15-foot wide and 5 foot deep low flow channel would be excavated in the Salt River Channel (See cross sections Sheets 4 of 17 through 13 of 17). In addition, the Eastside channel would be realigned to connect with Francis Creek (See Sheet 3 of 17). As stated by RCD, the Salt River Channel Restoration Project would re-establish the low flow channel and a

100- to 200-foot wide depositional floodplain. The project would be split into two project reaches, which would be delineated by width of depositional floodplain: (1) Reach One would begin at the downstream end of the project and extend upstream 9,500 feet and would have a 100-foot wide depositional floodplain. A 50-foot corridor of woody vegetation would be cut back and/or removed from each side of the channel in Reach One. (2) Within Reach Two, a 200-foot wide depositional floodplain would be excavated from the end of Reach One and extend upstream 3,700 feet. A 100-foot wide corridor of woody vegetation would be cut back and/or removed from each side of the channel in Reach Two. A portion of the proposed channel corridor in Reach Two occupies open pasture and would not require the clearance of riparian vegetation. RCD states measures would be taken to accommodate existing mature cottonwoods, alder and conifers at the margins of the depositional floodplain within the Salt River project reach. Native forbs and grasses would be replanted on the floodplain to retain sediment retention capacity.

A 15-foot wide and 3-foot deep low flow channel and a 200-foot wide depositional floodplain (See Sheets 14 through 16 of 17) would be established on the lower 2,000 feet of Francis Creek. The Eastside drainage ditch would be increased in size. No riparian vegetation would be removed on the Francis Creek and Eastside drainage.

Disposal of the 282,220 CY of excavated material is tentatively being proposed at a dairy farm located off of Price Creek School Road, in Ferndale. This site is approximately 13 miles from the Project area. The *DRAFT BIOLOGICAL ASSESSMENT, Lower Salt River Channel Restoration Project*, prepared by Alice Berg and Associates and dated December 14, 2005, states that the pasture at Price Creek School Road is an upland pasture managed for corn and dairy production. Sediment would be placed on this pasture and spread over the pasture in a one to two

foot depth and then replanted with corn. A wetland assessment is expected to be conducted for this site in January 2006. Note: The Corps of Engineers has not yet field verified this pasture location to determine if that location is within Corps jurisdiction.

There are several potential alternative locations for dredged material disposal that may become available for use, pending ongoing negotiations between local landowners, the City of Ferndale, and the RCD:

- a) Several landowners have agreed to accept the excavated material to spread on their fields (RCD states these areas are upland and contain non-hydric soils, which have not been confirmed by the Corps).
- b) The excavated material may be used to construct oxidation ponds on privately owned ranches for the improvement of dairy waste management. The locations of these areas have yet to be determined.
- c) The material may be used for existing levee infrastructure upgrades. The location of this work has yet to be determined.
- d) The excavated material may be used to construct the berms necessary for a potential Ferndale wastewater treatment marsh system.

The applicant intends to implement the entire Salt River channel restoration project during the late Summer 2006; in-stream work would be completed by October 31, 2006.

**Purpose and Need:** The basic purpose of this project is to excavate the Salt River, Eastside Drainage, and Francis Creek reaches of the project to increase flood flow capacity and reduce the instances of in-stream channel maintenance and excavation. The overall purpose of this project is to improve habitat conditions for listed salmonid species; reduce

the potential for future emergency dredging projects; increase the ability of the Ferndale wastewater treatment facility to comply with water quality regulations; reduce the potential of contamination of residential and agricultural areas from wastewater effluent; reduce the risk of the wastewater treatment facility being breached by floodwaters; and improve drainage conduits throughout the Salt River Basin, including the Ferndale city limits. Historically, the Salt River had sufficient flow necessary for the Ferndale wastewater treatment facility (a series of ponds located within a compound immediately south of the left bank of Francis Creek, just west of Arlynda corners) to comply with wastewater dilution requirements. Sedimentation into Francis Creek has reduced the receiving water flows. This reduction in channel capacity and the corresponding reduction in receiving water flows have caused the Ferndale wastewater treatment facility to be in violation of water quality standards, resulting in the issuance of a Cease and Desist Order by the California Regional Water Quality Control Board, North Coast Region.

The RCD states if no action is taken to resolve these ongoing problems in the Salt River Basin, the lack of a defined channel at and downstream of the wastewater treatment plant would cause treated effluent to flow undiluted into residential areas and agricultural lands. In addition, high rates of sediment deposition occurring near the confluence of Francis Creek and the Salt River put the Ferndale wastewater treatment plant at greater risk of being flooded. While the City of Ferndale is working on a separate project to upgrade the wastewater treatment plant, a channel must be re-established in order to contain and dilute the wastewater.

**Impacts:** The project would result in the removal of flood sediment and debris along 13,200 feet (2.5 miles) of the Salt River channel (some portions of the Salt River reaches no longer have a well defined bed and bank or Ordinary High Water mark and take the form of forested or emergent wetland instead). In

addition, 2,000 feet of lower Francis Creek would be relocated to a more northerly location and reconnected to the Salt River. This would involve excavation of a new Francis Creek channel along 2,000 feet of existing cow pasture that has approximately 4-6 feet of flood sediment on top of it. The Eastside Drainage which runs in a straight, north-south direction along the east property line of John Vevoda and empties into the Salt River, would be realigned to connect with Francis Creek. This work would also involve excavation of a new channel over a 500 feet length across cow pasture that for the most part is covered in flood sediment. All of the excavated material (282,200 CY) from all of the excavation activity would be transported to either the Price Creek School Road dairy field or other disposal site alternatives. The Biological Assessment for this project estimates that disposal of this material would cover a total of 174 acres of pastureland. On a preliminary basis, the Biological Assessment states the disposal material would be placed at an upland site outside of Corps jurisdiction and not on hydric soils or wetlands. This has not yet been field confirmed by the Corps of Engineers. For the entire project, it is estimated that approximately 25 acres of riparian trees and vegetation would be removed in order to excavate and restore the Salt River channel.

**Mitigation:** The Biological Assessment states that a revegetation plan would be developed early in 2006 that specifies a comprehensive vegetation management strategy. After the construction phase of the Project, revegetation crews would replant native forbs, sedges and grasses over 50% of the inset floodplain, in areas immediately adjacent to the restored or created channels. An inset floodplain would be created adjacent to the excavated channel of lower Salt River and lower Francis Creek. The width of the floodplain would vary from 100-200 feet in total (50-100 feet on each side of the channel). The inset floodplain would be designed to capture sediment during higher flow events, reducing the

amount of sediment transported and deposited in the stream channel. The Project would also rely on natural revegetation that would occur over time. Areas not actively replanted would be monitored for natural regeneration until 80% of the inset floodplain was revegetated. It is anticipated that revegetation would take 1-3 years to complete. At the end of three years, if revegetation naturally or otherwise did not meet success goals, the areas adjacent to the stream channels would be actively replanted. The inset floodplain would function as a dynamic wetland type habitat because it would be frequently inundated during winter months and would be subject to significant amounts of sediment depositions. New sediment deposits would likely bury revegetated areas on an annual basis. In addition, tidal influence would be extended up into the Project area (as a result of the completed excavation activity) and would influence species composition (conversion to salt tolerant wetland plants). Cattle would be excluded from revegetated area by temporary fencing.

Based on review of the applicant's project description and Biological Assessment, the Corps anticipates that there would be no net loss of other waters of the United States, tidal or non-tidal (purpose of the project is to restore channel capacity of other waters such as the Salt River and Francis Creek), and, if field verification positively confirms, there would be no net loss of wetlands due to excavated material disposal, if the disposal area was determined to be upland and not in Corps jurisdiction. Creation of the inset floodplain in the new Salt River and Francis Creek channels would likely result in a net gain in wetlands adjacent to other waters of the United States, provided the floodplain is regularly monitored and maintained.

### 3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

#### National Environmental Policy Act of 1969

**(NEPA):** The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 CFR Parts 1500-1508), and the Corps' Regulations (33 CFR Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Species and critical habitat currently identified as potentially impacted by the proposed project include threatened coho salmon (*Oncorhynchus kisutch*), threatened steelhead (*O. mykiss*), and threatened Chinook salmon (*O. tshawytscha*). The Salt River, Francis Creek, and their tributaries are critical habitat for coho salmon, steelhead and Chinook salmon. According to the RCD, a comprehensive year-long fish survey of the Eel River Estuary conducted in 1995, indicated the presence of Chinook salmon, coho salmon, and steelhead in the lowest reaches of the Salt River (downstream of the project reach). Fish surveys of the upland Salt River tributaries (upstream of Centerville and Grizzly Bluff Roads) in 2002-2004 indicate the presence of steelhead and coastal cutthroat trout in Francis Creek. During pre-construction surveys performed in August 2005 for a bank protection project within the city limits of Ferndale, the California Department of Fish and Game captured nine to fourteen coho salmon in Francis Creek, representing the first documentation of coho salmon utilizing the upper Salt River tributaries (Information from Paul Devine, CDFG and Nancy Atkinson, Spencer Engineering, August

2005). Coastal cutthroat trout were also observed in Russ Creek. Sacramento pike minnow (an introduced, non-native fish species) were present in abundance in all of the Salt River tributaries (Williams, Francis, Reas, and Russ Creek).

The Corps will initiate formal Section 7 consultation with NMFS on the Salt River Restoration Project's potential for impacts to listed salmonid species and their critical habitat. The lower Salt River and Eel River estuaries are also suitable habitat for tidewater goby, a fish species listed as endangered by the U.S. Fish and Wildlife Service. The Corps will also initiate Section 7 consultation with the U.S. Fish and Wildlife Service on project related impacts to tidewater goby, even though the project area in degraded portions of the Salt River is unlikely to have suitable habitat for tidewater goby.

**Magnuson-Stevens Fisheries Conservation and Management Act:** NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. Specific EFH concerns associated with this proposal include EFH for coho salmon and Chinook salmon within the project reach of the Salt River and Francis Creek. Coordination with the NMFS in regard to EFH will be initiated concurrently with the ESA consultation, if necessary.

#### **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for State water quality certification to the California Regional Water Quality Board within 30 days of the date of this Public Notice, the Corps may consider this application withdrawn. No Corps

permit will be granted until the applicant obtains the required water quality certification. The Corps may assume that water quality certification has been obtained if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403; by the close of the comment period of this Public Notice.

**b. Alternatives:** Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

**Coastal Zone Management Act of 1972 (CZMA):** Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the California Coastal Commission (CCC), 710 E Street, Suite 200, Eureka, California 95501.

**National Historic Preservation Act of 1966 (NHPA):** The Corps of Engineers cultural resources coordinator at the San Francisco District Office will be contacted to conduct a review of survey data on file with various City, State and Federal agencies, to determine if historic or archeological resources are

known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

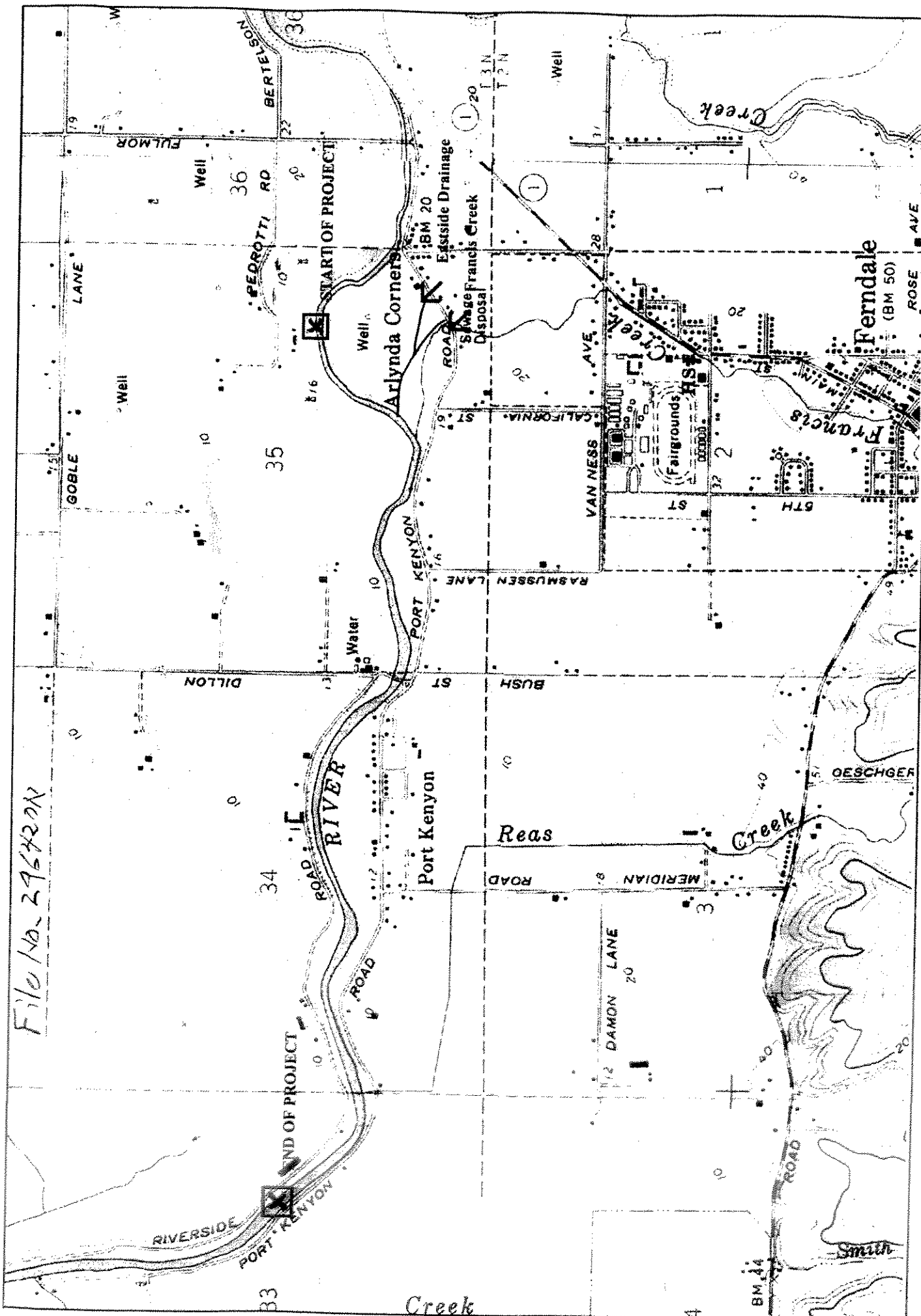
**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant

to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMISSION OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U. S. Army Corps of Engineers, San Francisco District, Eureka Field Office, P.O. Box 4863, Eureka, California 95502. It is the Corps' policy to forward

any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting David Ammerman at our Eureka Office at 707-443-0855 or E-mail: [David.A.Ammerman@spd02.usace.army.mil](mailto:David.A.Ammerman@spd02.usace.army.mil).

File No. 296420N



Name: FERNDAL  
Date: 6/20/2005  
Scale: 1 inch equals 1538 feet

Location: 040° 35' 33.37" N 124° 16' 21.8" W  
Caption: Emergency Salt River  
Channel Restoration

Sheet 1 of 17



Location: 040° 35' 47.70" N 124° 16' 23.0" W  
Caption: SALT RIVER CHANNEL RESTORATION  
plan view with cross section locations

Name: FERRISDALE  
Date: 8/15/2005  
Scale: 1 inch equals 1250 feet

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**FIGURE 15:** Salt River Channel Restoration cross section locations.

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File No. 27642810

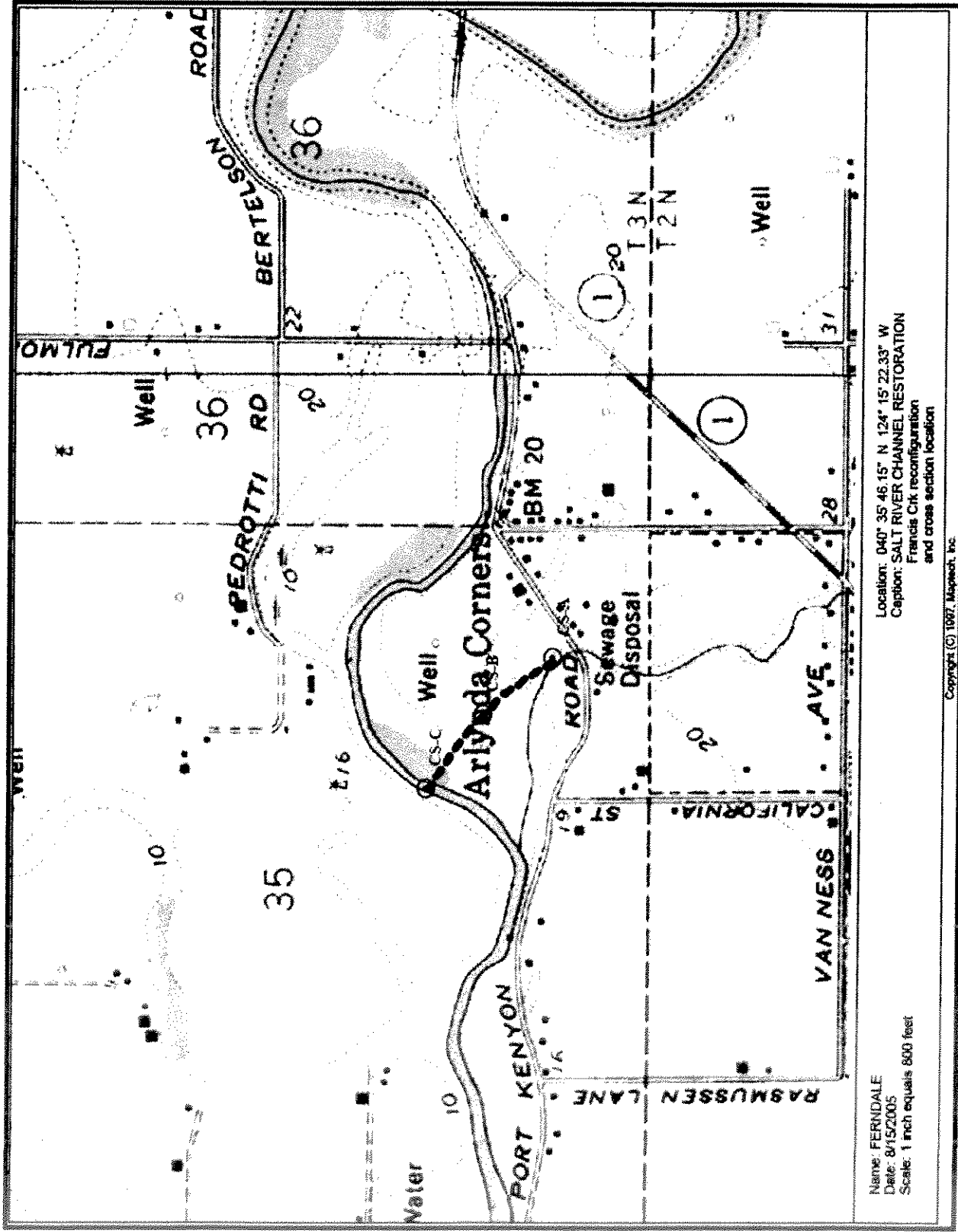


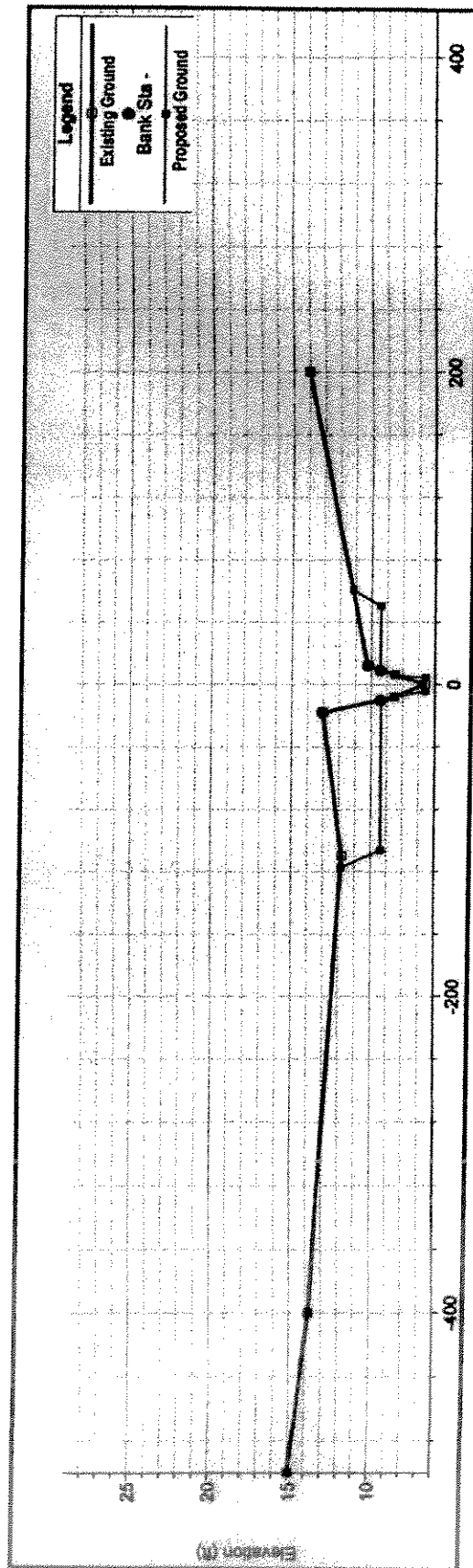
FIGURE 16: Francis Creek corridor proposed configuration and cross section locations

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File No. 29642AM

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 1: Representative Salt River Cross Section 1 (station 10939.39)**  
Date Created: June 1<sup>st</sup>, 2005

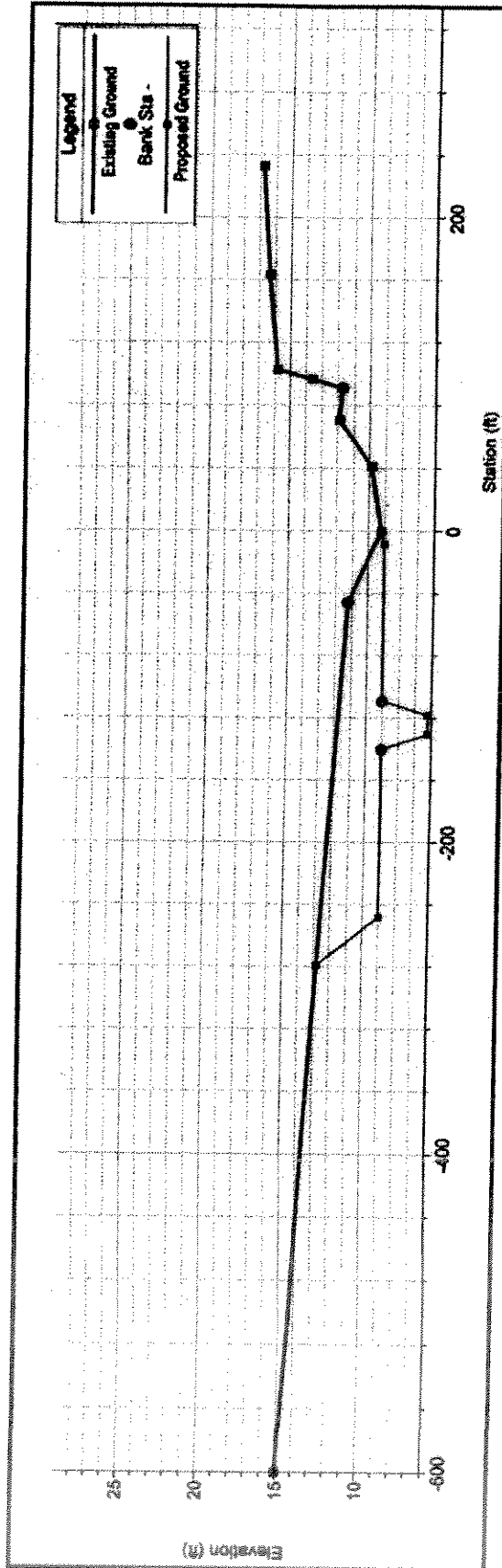


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File No. 2964221V

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 2: Representative Salt River Cross Section 2 (station 9970.98)**  
Date Created: June 1<sup>st</sup>, 2005

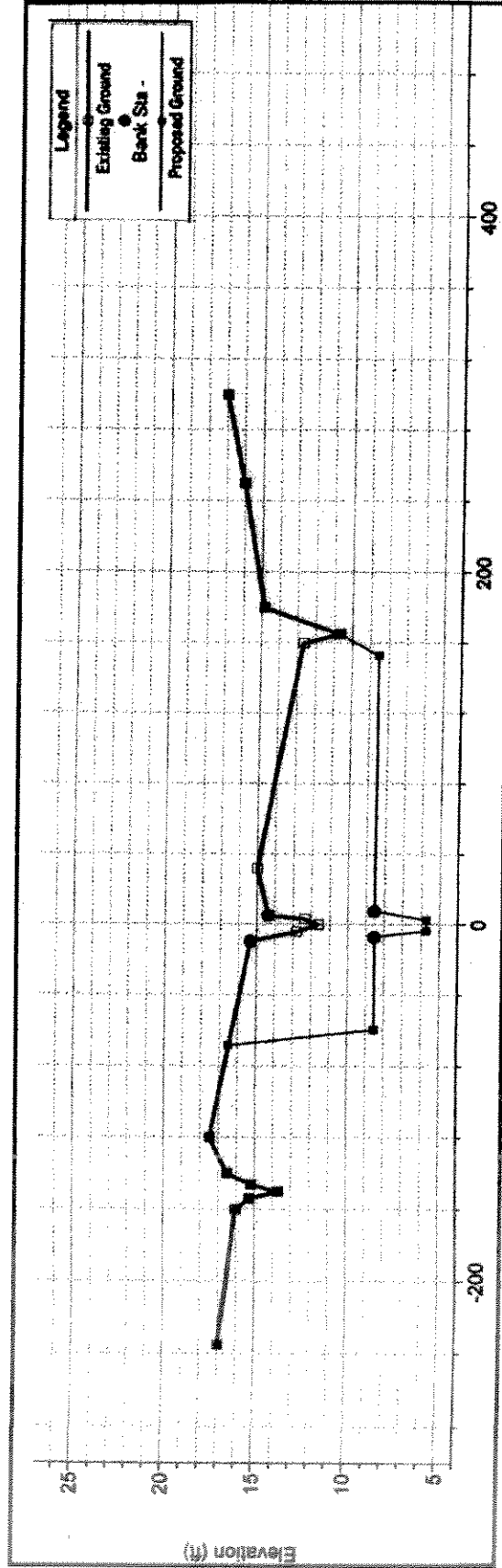


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File No. 296428N

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 3: Representative Salt River Cross Section 3 (station 8904)**  
Date Created: June 1<sup>st</sup>, 2005

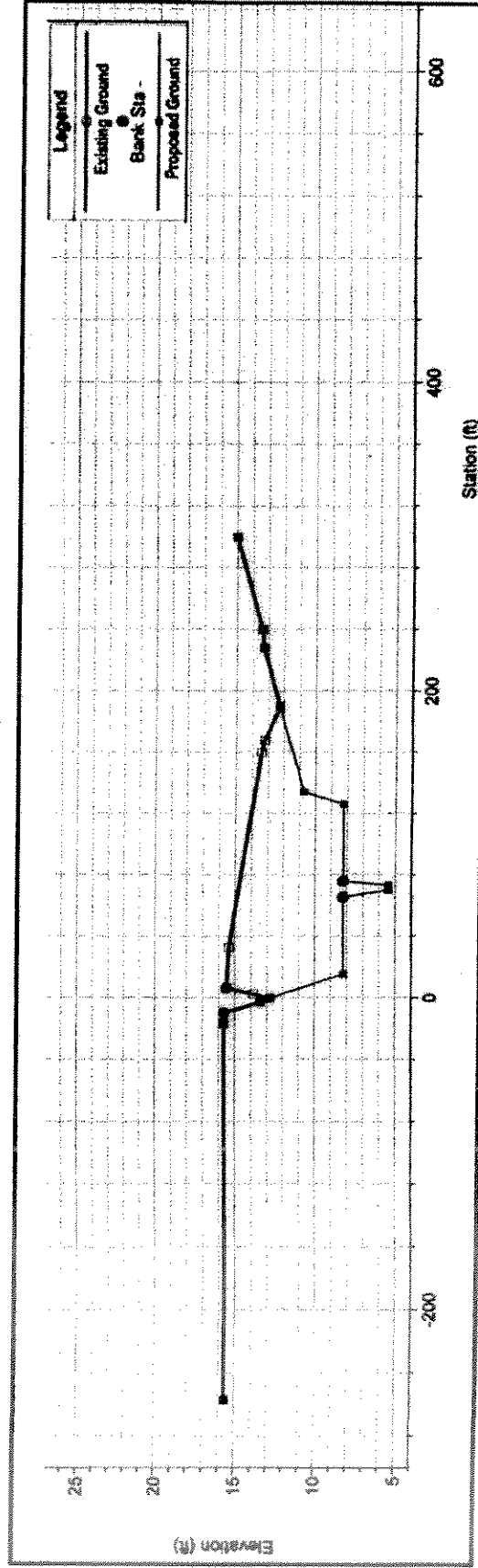


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File No. 278428N

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 4: Representative Salt River Cross Section 4 (station 8166.55)**  
Date Created: June 1<sup>st</sup>, 2005

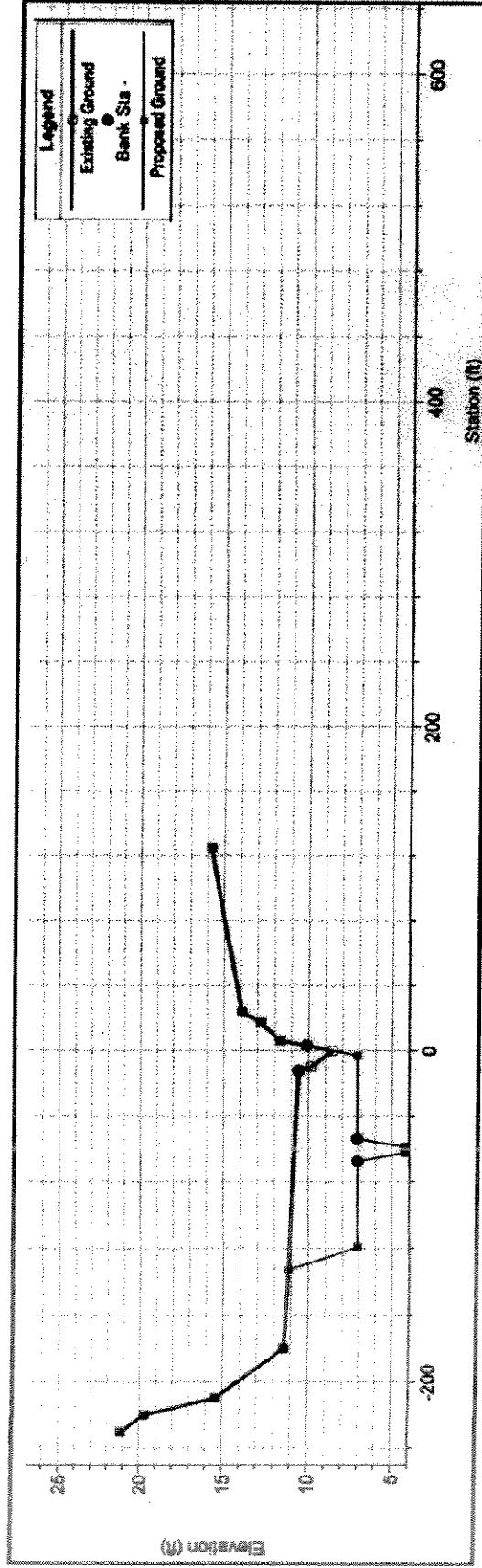


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File No. 278420N

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 5: Representative Salt River Cross Section 5 (station 5801.07)-  
Date Created: June 1<sup>st</sup>, 2005**

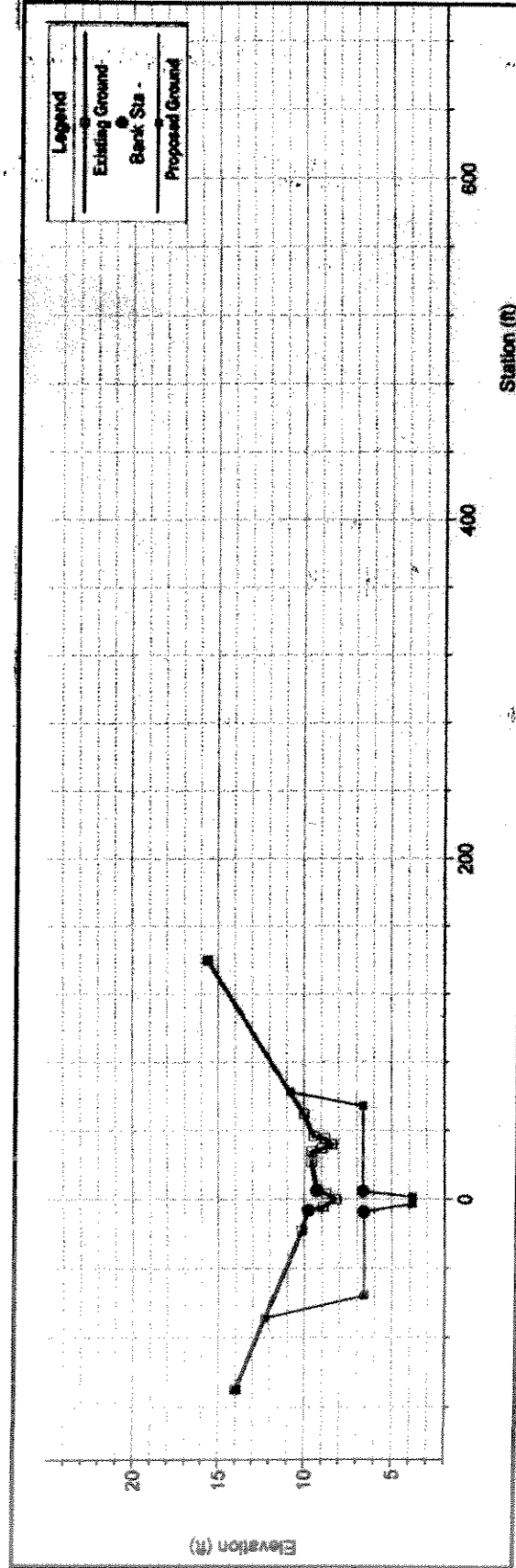


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File No. 296420M

**Salt River Channel Restoration Project - Ferndale, CA**  
**Humboldt County Resource Conservation District**

**FIGURE 6: Representative Salt River Cross Section 6 (station 4544.72)**  
Date Created: June 1<sup>st</sup>, 2005



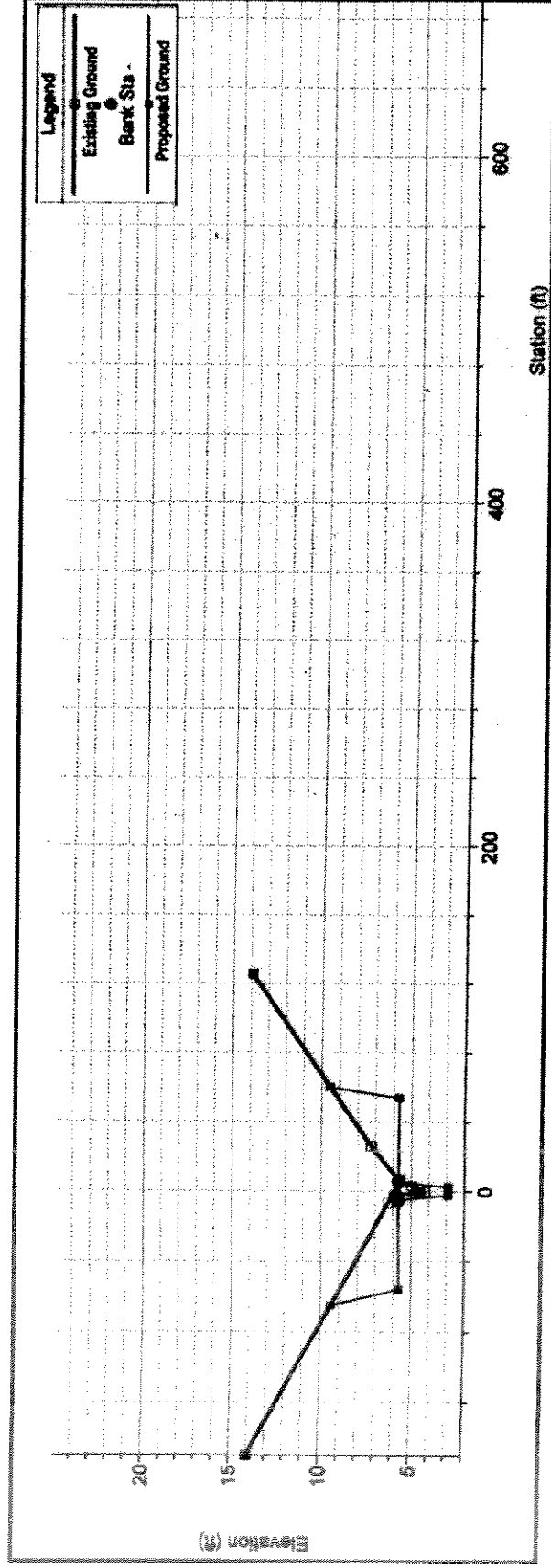
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File No. 29642DN

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 7: Representative Salt River Cross Section 7 (station 3137.8)-  
Date Created: June 1<sup>st</sup>, 2005**

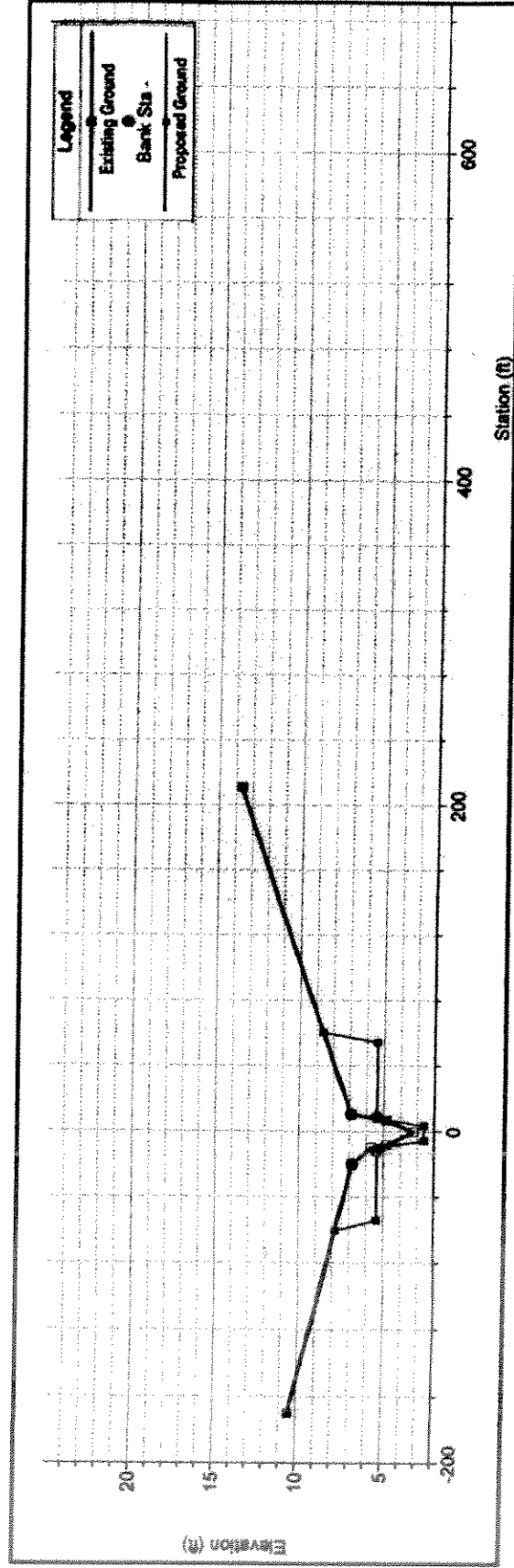


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File No. 276420A

**Salt River Channel Restoration Project - Ferndale, CA**  
**Humboldt County Resource Conservation District**

**FIGURE 8: Representative Salt River Cross Section 8 (station 1649.89)-**  
Date Created: June 1<sup>st</sup>, 2005

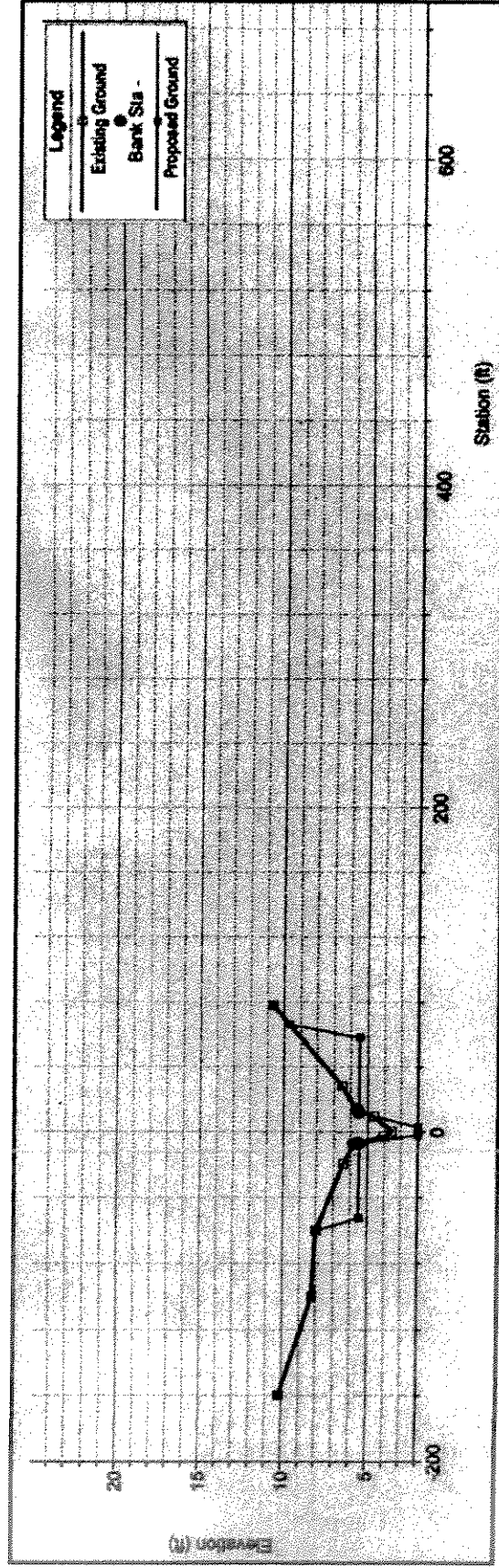


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File No. 296420X

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 9: Representative Salt River Cross Section 9 (station 56.6)-  
Date Created: June 1<sup>st</sup>, 2005**



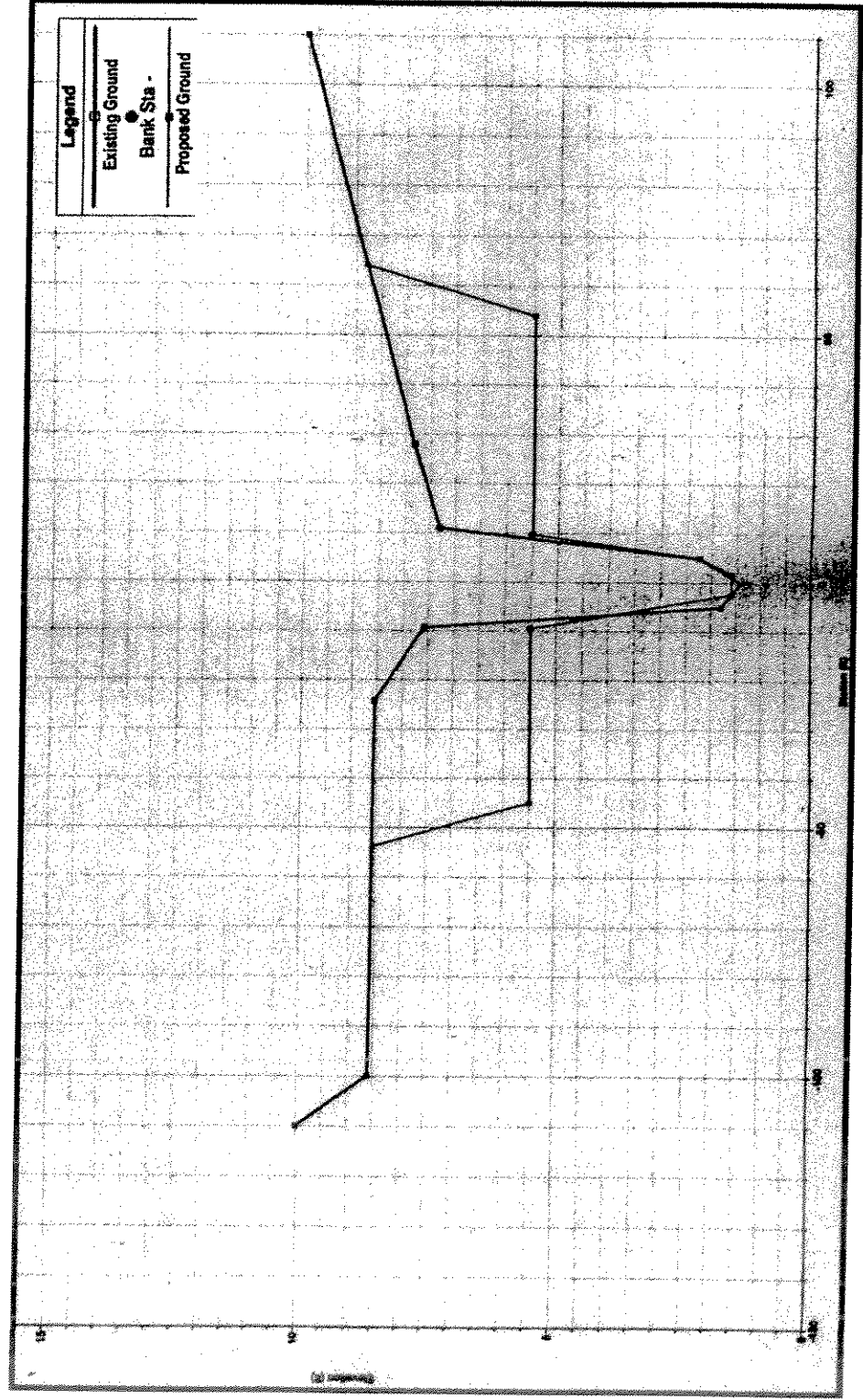
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File No. 296420M

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 10: Representative Salt River Cross Section 10 (station 3995.08)-**

**Date Created: June 1<sup>st</sup>, 2005**

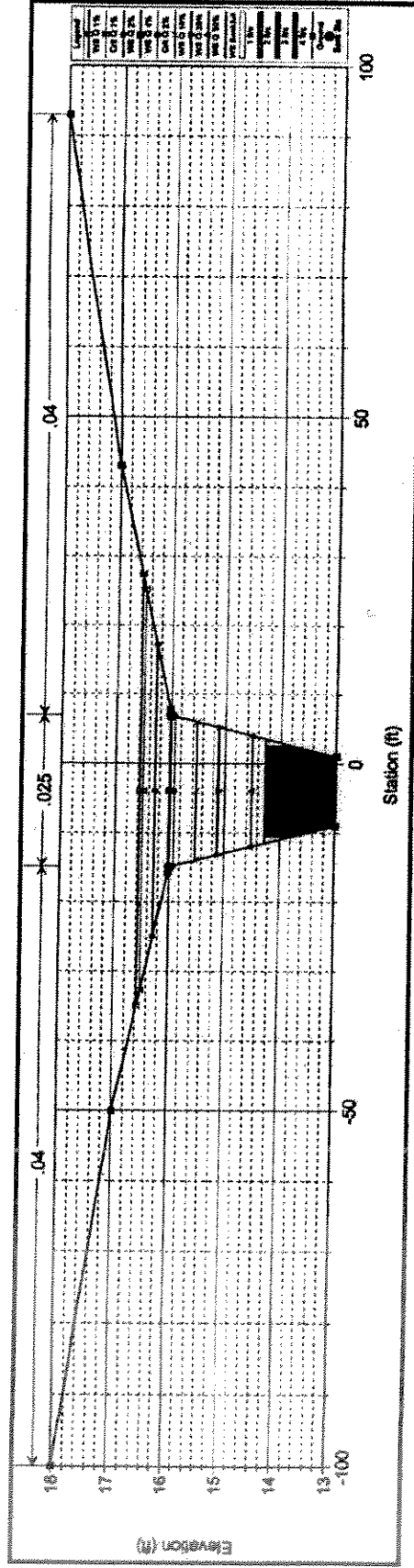


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File No. 27642A

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 11: Representative Francis Creek Cross Section A (station 1750)-  
Date Created: August 1<sup>st</sup>, 2005**

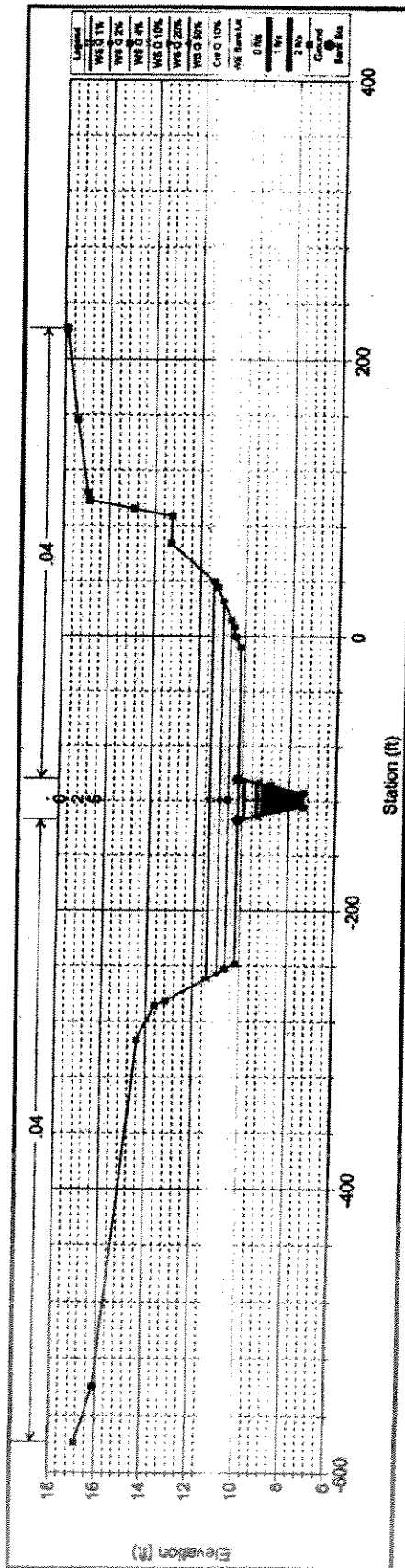


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File No. 29642DN

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 12: Representative Francis Creek Cross Section B (station 400)-  
Date Created: August 1<sup>st</sup>, 2005**

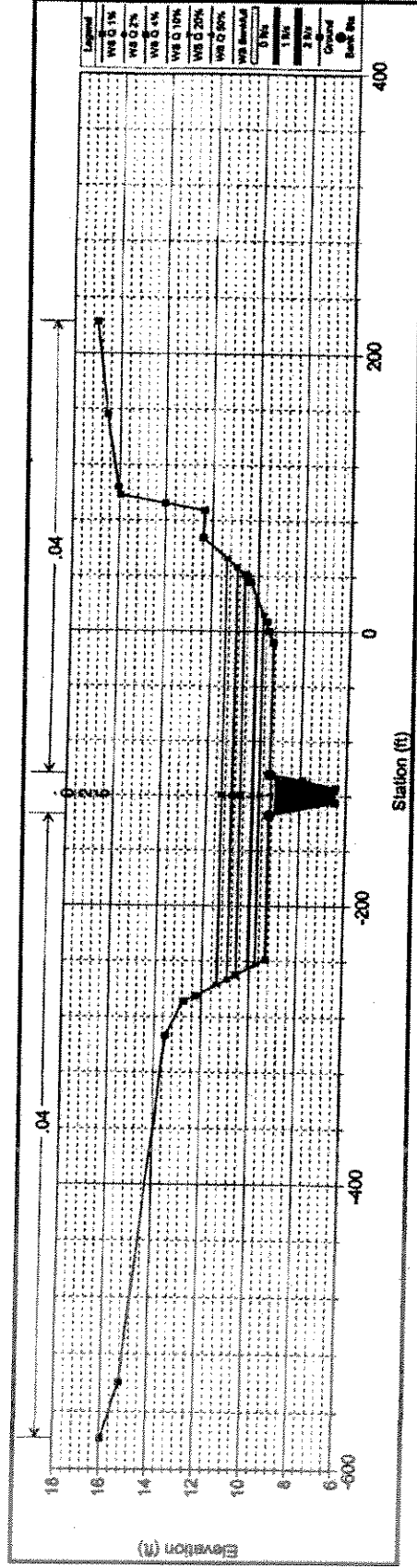


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File No. 296425A

**Salt River Channel Restoration Project - Ferndale, CA  
Humboldt County Resource Conservation District**

**FIGURE 13: Representative Francis Creek Cross Section C (station 100)-**  
Date Created: August 1<sup>st</sup>, 2005

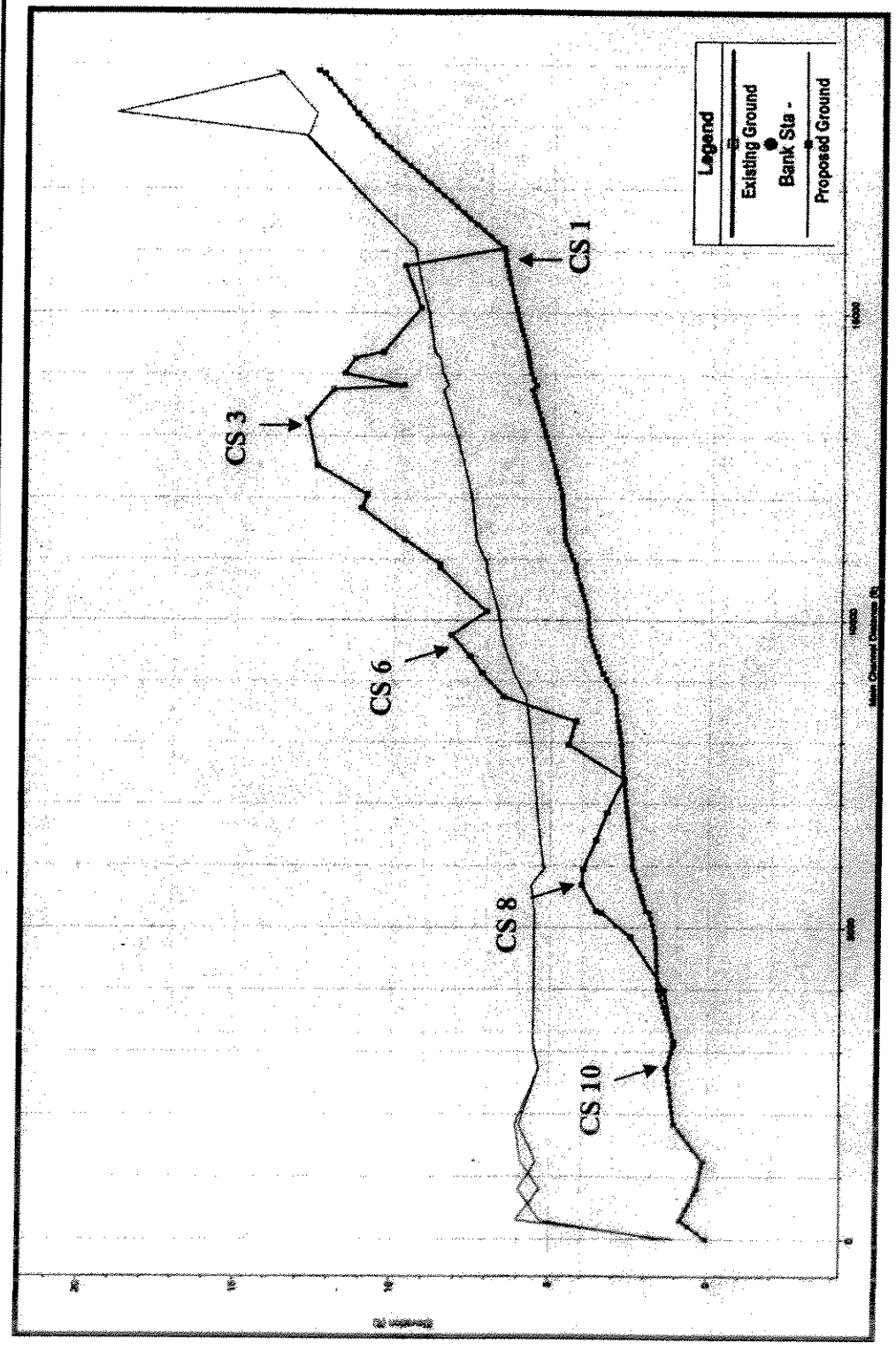


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File No. 29642DN

**Salt River Channel Restoration Project - Ferndale, CA**  
**Humboldt County Resource Conservation District**

**FIGURE 14: SALT RIVER PROFILE**  
Date Created: June 1<sup>st</sup>, 2005



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